



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,355	02/25/2004	Eileen C. Shapiro	1525B/116	4565
2101 7590 04/02/2008 BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618				
EXAMINER DEBNATH, SUMAN				
ART UNIT 2135		PAPER NUMBER		
MAIL DATE 04/02/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/786,355

**Applicant(s)**

SHAPIRO ET AL

**Examiner**

SUMAN DEBNATH

**Art Unit**

2135

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 21-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 21-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-16 and 21-56 are pending in this application.
2. Claims 17-20 are cancelled.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 26, 31, 36-38, 39, 44, 49-51 and 52 rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (Patent No.: US 5,884,270) (hereinafter "Walker").

5. As to claim 26, Walker discloses a method of structuring a database to provide access to a candidate's personal background data, wherein at least a portion of the data has been verified (abstract), the method comprising:

(a) establishing a data record, relating to the candidate's personal background data, in a digital storage medium (col. 8, lines 24-30, "stores the received party data ...in database"), the data record including

(i) a set of components based on information supplied by the candidate, each component being potentially verifiable (col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39), and

(ii) a corresponding set of query results, the corresponding set including, with respect to each component, the result of a verification query to a third party (col. 8, lines 15-19 and col. 17, lines 63-67 to col. 18, lines 1-32); and

(b) selectively providing access, to a person having the candidate's authorization therefor, to the data record pertaining to the candidate (col. 18, lines 1-10, col. 16, lines 60-67, Walker teaches this concept by having explicit control over who sees their resume).

6. As to claims 39 and 52, these are rejected using the same rationale as for the rejection of claim 26.

7. As to claim 31, Walker discloses a method of structuring a database to provide access to a candidate's personal background data, wherein at least a portion of the data has been verified (abstract), the method comprising:

(a) establishing a data record, relating to the candidate's personal background data, in a digital storage medium (col. 8, lines 24-30, "stores the received party data ...in database"), the data record including

(i) a set of components based on information supplied by the candidate, each component being potentially verifiable (col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39), and

(ii) a corresponding set of query results, the corresponding set including, with respect to each component, the result of a verification query to a third party (col. 8, lines 15-19 and col. 17, lines 63-67 to col. 18, lines 1-32); and

(b) providing to the candidate a mechanism to selectively distribute access to the data record to a person selectable by the candidate (col. 17, lines 8-30); and

(c) selectively providing access, to the person selected by the candidate, to the data record pertaining to the candidate (col. 16, lines 60-67, Walker teaches this concept by having explicit control over who sees their resume).

8. As to claim 44, it rejected using the same rationale as for the rejection of claim 31.

9. As to claims 36 and 49, Walker discloses wherein the mechanism permits the candidate to specify what portions of the data record are to be distributed to the selected person (col. 7, lines 2-6, col. 16, lines 60-67, col. 17, lines 60-67).
10. As to claims 37 and 50, Walker discloses wherein the mechanism permits the candidate to specify the selected person (col. 7, lines 2-6, col. 16, lines 60-67, col. 17, lines 60-67).
11. As to claims 38 and 51, Walker discloses wherein the candidate specifies the selected person using an e-mail address of the selected person (col. 7, lines 2-6, col. 16, lines 60-67, col. 17, lines 60-67).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-15, 16 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (Patent No.: US 5,832,497) and further in view of Walker.
14. As to claim 1, Taylor discloses a method of providing access to a candidate's personal background data, wherein the data have been verified (abstract, col. 5, lines 59-62), the method comprising:
- a. establishing a data record, relating to the candidate's personal background data, in a digital storage medium (col. 3, lines 65-67 to col. 4, lines 1-8), the data record associated with a unique identifier (col. 5, lines 6-10).

Taylor doesn't explicitly disclose (i) a set of components based on information supplied by the candidate, each component being potentially verifiable, and

(ii) a corresponding set of query results, the corresponding set including, with respect to each component, the result of a verification query to a third party;

b. communicating the identifier to the candidate;

c. receiving, over a communication network, the identifier from an outside user wanting verification of the candidate's personal background data, the outside user having received the identifier directly or indirectly from the candidate; and

d. distributing, to the outside user, over the communication network, an electronic document including the data record and an electronic authentication of the contents of the data record, the electronic authentication capable of revealing unauthorized modifications of the contents of the data record.

However, Walker discloses (i) a set of components based on information supplied by the candidate (abstract), each component being potentially verifiable (col. 6, lines 60-67 to col. 7, lines 1-22 and col. 15, lines 27-39), and

(ii) a corresponding set of query results, the corresponding set including, with respect to each component, the result of a verification query to a third party (col. 8, lines 15-19 and col. 17, lines 63-67 to col. 18, lines 1-32);

b. communicating the identifier to the candidate (col. 9, lines 6-18 and col. 17, lines 11-12);

c. receiving, over a communication network, the identifier from an outside user wanting verification of the candidate's personal background data, the outside user having received the identifier directly or indirectly from the candidate (col. 16, lines 60-67, col. 17, lines 61-67); and

d. distributing, to the outside user, over the communication network (col. 17, lines 8-30), an electronic document including the data record and an electronic authentication of the contents of the data record (col. 17, lines 8-30, col. 16, lines 60-67), the electronic authentication capable of revealing unauthorized modifications of the contents of the data record (col. 17, lines 8-30, col. 18, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Taylor's teachings of information exchange such as job applicants and designation of resume record by Walker's teaching of facilitating employment search because Walker teaches a system to release a request information to a third party by a unique transaction ID which ensures that each job description is unique so a third party cannot forward a copy of a job description they received to another party without a permission certificate (Walker, col. 17, lines 11-22).

15. As to claims 16 and 21, these are rejected using the same rationale as for the rejection of claim 1.

16. As to claim 2, Taylor discloses wherein establishing the data record includes:

a. from a computer at a first location (col. 1, lines 66-67 to col. 2, lines 1-3), separately specifying over a network to a host computer a set of components of the candidate's personal background data, each component being potentially verifiable by contacting a third party (col. 5, lines 5-8 and lines 32-39);

b. storing, in a digital storage medium in communication with the host computer, the set of components (col. 3, lines 11-19);

Taylor doesn't explicitly disclose c. for each component of the set, identifying a relevant third party and pertinent contact information therefor;

communicating a query to the relevant third party to verify the component, and obtaining a query result from the query; and

associating the query result with the component and storing the query result in the storage medium.

However, Walker discloses c. for each component of the set, identifying a relevant third party and pertinent contact information therefor (col. 8, lines 15-19);

communicating a query to the relevant third party to verify the component, and obtaining a query result from the query (col. 8, lines 51-67 to col. 9, lines 1-5); and

associating the query result with the component and storing the query result in the storage medium (col. 4, lines 54-67 to col. 5, lines 1-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Taylor's teachings of information exchange such as job applicants and designation of resume record by Walker's teaching of facilitating employment search because Walker teaches a system to release a request information to a third party by a unique transaction ID which ensures that each job description is unique so a third party cannot forward a copy of a job description they received to another party without a permission certificate (Walker, col. 17, lines 11-22).

17. As to claims 3 and 22, Taylor discloses wherein specifying the set of components includes providing responses via a set of templates, the set of templates having at least one member and being structured to evince the content of the set of components (col. 2, lines 24-29).

18. As to claim 4, Taylor discloses wherein specifying the set of components is performed over the Internet (col. 1, lines 61-65 and col. 5, lines 40-43).



19. As to claim 5, Taylor discloses in which obtaining a query result from the query is performed over the Internet (col. 1, lines 61-65 and col. 2, lines 34-35).
20. As to claim 6, Taylor discloses wherein specifying the set of components includes specifying the set of components to a World Wide Web server (col. 1, lines 34-35, col. 6, lines 57-60).
21. As to claim 7, Taylor discloses in which communicating a query to the relevant third party to verify the component is performed over the Internet (col. 5, lines 59-62).
22. As to claim 8, Taylor discloses wherein communicating a query to the relevant third party to verify the component is performed automatically and includes sending the query as E-Mail (col. 5, lines 6-15).
23. As to claim 9, Taylor discloses in which communicating the identifier to the candidate is performed over the Internet (col. 3, lines 8-15).
24. As to claims 10, 23 and 24, Taylor discloses wherein communicating the identifier to the candidate is performed automatically and includes sending the identifier as E-Mail over the Internet (col. 5, lines 6-15).
25. As to claims 11 and 25, Taylor discloses wherein the electronic document is distributed in the form of an electronic mail message (col. 5, lines 6-15).

26. As to claim 12, Taylor discloses wherein the electronic document is distributed in the form of an electronic file (col. 5, lines 6-15).

27. As to claim 13, Taylor discloses wherein the electronic authentication is an electronic watermark (col. 1, lines 61-65 and col. 2, lines 34-35).

28. As to claim 14, Taylor doesn't explicitly disclose wherein the electronic authentication is an electronic certification. However, Walker discloses wherein the electronic authentication is an electronic certification (col. 17, lines 10-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Taylor's teachings of information exchange such as job applicants and designation of resume record by Walker's teaching of facilitating employment search because Walker teaches a system to release a request information to a third party by a unique transaction ID which ensures that each job description is unique so a third party cannot forward a copy of a job description they received to another party without a permission certificate (Walker, col. 17, lines 11-22).

29. As to claim 15, Taylor doesn't explicitly disclose wherein the set of components includes the candidate's resume information, and wherein the set of query results includes information verifying the candidate's resume information. However, Walker discloses wherein the set of components includes the candidate's resume information (col. 17, lines 10-30), and wherein the set of query results includes information verifying the candidate's resume information (col. 8, lines 51-67 to col. 9, lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Taylor's teachings of information exchange such as job applicants and designation of resume record by Walker's teaching of facilitating employment search because Walker teaches a system to release a request information to a third party by a unique transaction ID which ensures that each job description is unique so a third party cannot forward a copy of a job description they received to another party without a permission certificate (Walker, col. 17, lines 11-22).

30. Claims 27-30, 32-35, 40-43, 45-48 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker and further in view of Taylor.

31. As to claim 27, Walker doesn't explicitly disclose wherein the access is provided selectively to the person upon presentation of a unique identifier associated with the data record. However, Taylor discloses wherein the access is provided selectively to the person upon presentation of a unique identifier associated with the data record (col. 5, lines 59-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Walker as taught by Taylor in order to provide "a comprehensive system for managing classified advertisements with an effective search engine; a secured resume management facility (Taylor, col. 1, lines 40-45)."

32. As to claims 40 and 53, these are rejected using the same rationale as for the rejection of claim 27.

33. As to claim 28, Walker discloses communicating with the authorized person (col. 6, lines 60-67). Walker doesn't explicitly disclose communicating with the unique identifier. However, Taylor discloses communicating with the unique identifier (col. 5, lines 59-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Walker as taught by Taylor in order to provide "a comprehensive system for managing classified advertisements with an effective search engine; a secured resume management facility (Taylor, col. 1, lines 40-45)."

34. As to claims 41 and 54, these are rejected using the same rationale as for the rejection of claim 28.

35. As to claim 29, Walker doesn't explicitly disclose wherein the unique identifier is communicated over the Internet. However, Taylor discloses wherein the unique identifier is communicated over the Internet (col. 5, lines 5-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Walker as taught by Taylor in order to provide "a comprehensive system for managing classified advertisements with an effective search engine; a secured resume management facility (Taylor, col. 1, lines 40-45)."

36. As to claims 42 and 55, these are rejected using the same rationale as for the rejection of claim 29.

37. As to claim 30, Walker doesn't explicitly disclose wherein the unique identifier is communicated by e-mail. However, Taylor discloses wherein the unique identifier is communicated by e-mail (col. 5, lines 5-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Walker as taught by Taylor in order to provide "a comprehensive system for managing classified advertisements with an effective search engine; a secured resume management facility (Taylor, col. 1, lines 40-45)."

38. As to claims 43 and 56, these are rejected using the same rationale as for the rejection of claim 30.
39. As to claims 32 and 45, these are rejected using the same rationale as for the rejection of claim 27.
40. As to claims 33 and 46, these are rejected using the same rationale as for the rejection of claim 28.
41. As to claims 34 and 47, these are rejected using the same rationale as for the rejection of claim 29.
42. As to claims 35 and 48, these are rejected using the same rationale as for the rejection of claim 30.
43. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

#### ***Response to Arguments***

44. Applicant's arguments filed January 04, 2008 have been fully considered but they are not persuasive.

Applicant argues that: "The disclosures of Walker and Taylor do not anticipated claim 1 because they do not provide an identifier to the candidate who provides the personal background data and who in turn communicates the identifier to an employer in order to give the employer access to the verified data."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., The disclosures of Walker and Taylor do not anticipated claim 1 because they do not provide an identifier to the candidate who provides the personal background data and **who in turn communicates the identifier to an employer in order to give the employer access to the verified data.**") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant is reminded that the Examiner's job is to examine the claims as they stand without reading into the claims. Neither claim 1 or any other independent claims clearly recites that a candidate communicates "the identifier to an employer in order to give the employer access to the verified data." In contrast, claim 1 cites, "communicating the identifier to the candidate; receiving over a communication network, identifier from an outside user wanting verification of the candidate's personal background data, the outside user having received the identifier directly or indirectly from the candidate." Walker teaches, communicating the identifier to the candidate (col. 17, lines 11-22, which describe a unique transaction ID was generated associated to a requestor, see also col. 9, lines 6-18). Walker further teaches, identifier from an outside user wanting verification of the candidate's personal background data, the outside user having received the identifier indirectly from the candidate (col. 17, lines 35-37, where a string which states the details about how he wants her party data released, see also col. 16, lines 60-67, col. 17, lines 61-67).

Although Applicant argues that the independent claims 26, 31, 39 and 44 directly applies analogously to claim 1. No where in any of these independent claim cited "provide an identifier to the candidate" or "communicating the identifier to the candidate; receiving over a communication network, identifier from an outside user wanting verification of the candidate's personal background data, the outside

user having received the identifier directly or indirectly from the candidate" as cited in claim 1. Examiner believes claims 26, 31, 39 and 44 don't contain same limitations as claim 1. Please see rejection above.

***Conclusion***

45. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAN DEBNATH whose telephone number is (571)270-1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Art Unit: 2135

Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD  
/KIMYEN VU/  
Supervisory Patent Examiner, Art Unit 2135